

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
98 CRS 33738, 39,40,41,
98 CRS 141972

STATE OF NORTH CAROLINA)

VS.)

SHAWN GIOVANNI MASSEY)

Defendant.)

TRANSCRIPT

TRANSCRIPT OF TRIAL PROCEEDINGS, taken in the
General Court of Justice, Superior Court Division, Mecklenburg
County, North Carolina, at the **September 13, 1999**, Criminal
Session, before the Honorable **James L. Baker**, Superior Court
Judge Presiding.

This cause having been reached for trial on
September 24, 1999 and continuing through **September 27, 1999**.

APPEARANCES:

ERIC H. COTTRELL

Assistant District Attorney
Twenty-sixth Judicial District
Mecklenburg County
On behalf of the State

JANET C. THOMAS

Attorney at Law
101 North McDowell Street, Suite 114
Charlotte, North Carolina 28204
On behalf of the Defendant

JOSEPHINE GARRETT-COLEY
OFFICIAL COURT REPORTER

Mecklenburg County Courthouse
Charlotte, North Carolina

OFFICER J. J. O'JANIT

Voir dire Examination	By Mr. Cottrell	132
Voir dire Examination	By Ms. Thomas	139

BRADY DORSEY

Voir dire Examination	By Ms. Thomas	144
Voir dire Examination	By Mr. Cottrell	146
Voir dire Examination	By Ms. Thomas	150
Voir dire Examination	By Mr. Cottrell	153
Voir dire Examination	By Ms. Thomas	157
Voir dire Examination	By Mr. Cottrell	158

ANNIE MAY MASSEY

Voir dire Examination	By Ms. Thomas	159
-----------------------	---------------	-----

BOBBY ROSS

Voir dire Examination	By Ms. Thomas	161
-----------------------	---------------	-----

ROBERTA MASSEY

Voir dire Examination	By Ms. Thomas	163
Voir dire Examination	By Mr. Cottrell	164
Voir dire Examination	By Ms. Thomas	165

ANNIE MAY MASSEY

Voir dire Examination	By Ms. Thomas	166
-----------------------	---------------	-----

ORDER

By Judge Baker	175
----------------	-----

OFFICER J. J. O'JANIT

Direct Examination	By Mr. Cottrell	190
Cross Examination	By Ms. Thomas	204

OFFICER MARK WILSON

Direct Examination	By Mr. Cottrell	211
Cross Examination	By Ms. Thomas	213

STATE RESTS

At 11:40 a.m.	214
---------------	-----

MOTIONS

BRADY DORSEY

Direct Examination	By Ms. Thomas	215
Cross Examination	By Mr. Cottrell	223
Re-direct Examination	By Ms. Thomas	230

ANNIE MAY MASSEY

Direct Examination	By Ms. Thomas	231
Cross Examination	By Mr. Cottrell	236
Re-direct Examination	By Ms. Thomas	242

BOBBY ROSS

Direct Examination	By Ms. Thomas	243
Cross Examination	By Mr. Cottrell	245
Re-direct Examination	By Ms. Thomas	246

REVEREND LINDA BROWN

Direct Examination	By Ms. Thomas	249
--------------------	---------------	-----

ROBERTA MASSEY

Direct Examination	By Ms. Thomas	249
Cross Examination	By Mr. Cottrell	252

TOMMY WILLIAMS, JUROR NO. 8

Voir Dire Examination	By The Court	258
Voir Dire Examination	By Mr. Cottrell	261

ORDER

By Judge Baker	262
----------------	-----

MOTIONSCHARGE CONFERENCE

At 2:16 p.m.

APRIL PRIDE THOMPSON

Direct Examination	By Ms. Thomas	279
Cross Examination	By Mr. Cottrell	284
Re-direct Examination	By Ms. Thomas	284

DEFENDANT RESTSCLOSING ARGUMENTS, Not stenographically recordedJURY CHARGE

By Judge Baker	289
----------------	-----

<u>JURY DELIBERATIONS BEGIN</u>	At 4:10 p.m.	304
<u>QUESTION OF THE JURY</u>	At 4:55 p.m.	304
<u>COURT STANDS IN RECESS</u>	At 5:10 p.m.	306
<u>CONTINUED JURY DELIBERATIONS</u>	At 9:35 a.m.	311
<u>VERDICT</u>	At 11:15 a.m.	311
<u>SENTENCING HEARING</u>		316

STATE'S EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Photographic line-up, Ms. Wood	51
2	Statement of Ms. Savall	69
3	Photographic line-up, Ms. Savall (copy)	74
4	Supplemental report, Officer Esposito	106
5	Supplemental statement of Ms. Wood to Officer O'Janiit	133
6	Photographic line-up, Ms. Wood (original)	134
7	Paragraph of Shawn Massey	164
8	Photographic line-up, Ms. Savall (original)	190
9	Statement of Ms. Wood to Officer O'Janiit	193
10	Statement of Ms. Wood to Officer O'Janiit	196

DEFENDANT'S EXHIBITS

1	Dorsey Concrete Log Book, 5/15-5/21/98	151
2	Dorsey Concrete Pay Vouchers	153
3	Paragraph, Shawn Massey, Kennedy Middle School	167
4	Paragraph, Shawn Massey, girlfriend, baby	168
5	Paragraph, Shawn Massey, prom	168

I N D E X

	<u>PAGE</u>
<u>MOTIONS</u>	2
<u>ORDER</u>	8
<u>JURY SELECTION</u> , Not stenographically recorded	
<u>JURY IMPANELED</u> At 12:20 p.m.	
<u>OPENING STATEMENTS</u> , Not stenographically recorded	
<u>SAMANTHA ROSE WOOD</u>	
Direct Examination By Mr. Cottrell	36
Cross Examination By Ms. Thomas	57
Re-direct Examination By Mr. Cottrell	65
Re-cross Examination By Ms. Thomas	66
<u>THERESA McCORMICK SAVALL</u>	
Direct Examination By Mr. Cottrell	67
Cross Examination By Ms. Thomas	77
Re-direct Examination By Mr. Cottrell	84
Re-cross Examination By Ms. Thomas	84
<u>APRIL PRIDE THOMPSON</u>	
Direct Examination By Mr. Cottrell	88
Cross Examination By Ms. Thomas	93
Re-direct Examination By Mr. Cottrell	96
Re-cross Examination By Ms. Thomas	100
Re-direct Examination By Mr. Cottrell	101
<u>OFFICER GERALD ESPOSITO</u>	
Direct Examination By Mr. Cottrell	102
Cross Examination By Ms. Thomas	111
<u>INVESTIGATOR THOMAS GLENN LEDFORD</u>	
Direct Examination By Mr. Cottrell	115
Cross Examination By Ms. Thomas	121
Re-direct Examination By Mr. Cottrell	126
<u>MOTION TO SUPPRESS IDENTIFICATION</u>	